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Letter dated 3 March 2003 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 13 November 2002 (S/2002/1256).

The Counter-Terrorism Committee has received the attached third report from Poland submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

03-27580 (E) 170303

Annex

Letter dated 30 January 2003 from the Permanent Representative of Poland to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

In response to your letter of 30 October 2002, on behalf of my Government, I have the honour to submit herewith to the Counter-Terrorism Committee (CTC) the second supplementary report to the report transmitted to CTC on 21 December 2001, on the measures taken by the Republic of Poland to implement the provisions of resolution 1373 (2001) of 28 September 2001 (see enclosure).

Please note that the paragraphs used in the present report refer to the paragraphs in which specific questions or requests are contained in your letter mentioned above.

My Government stands ready to provide the Committee with further information, as necessary, or if requested to do so by the Committee and to assist it in the assessment of the implementation of the resolution.

I should be grateful if you would have the text of the present letter and the enclosed information circulated as a document of the Security Council.

(*Signed*) Janusz **Stańczyk**
Ambassador
Permanent Representative

Enclosure

Second supplementary report of Poland on the implementation of resolution 1373 (2001) submitted to the Counter-Terrorism Committee*

Paragraph 1. Implementation measures

Paragraph 1.2

The Government of the Republic of Poland welcomes the comments of the Counter-Terrorism Committee (CTC) in this regard. Further examination of the legal provisions in force in Poland relating to aiding and abetting in combination with attempt to commit crime in effect confirm that the doubts raised by several States in this connection could be justified.

Apart from the works realised in connection with the ratification of the International Convention for the Suppression of the Financing of Terrorism, some further consideration is given to the introduction to the Penal Code of express definition of "terrorist act" with relevant penalties, both for their commitment, as well as provision of funds for their commitment. This interconnection has been indeed perceived by the General Inspector of Financial Information as crucial to fill possible gaps in the legal provisions in order to tackle with the problem more effectively.

As the amendments to the Penal Code are still under examination in the Lower House of the Parliament (special Committee is in charge), the Ministry of Foreign Affairs, together with the Ministry of Justice and Ministry of Finance, will monitor the works to address the issues raised by the CTC in its comments.

The process of ratification of the Convention is at its final stage. The draft law authorising the President of the Republic of Poland to ratify the Convention has been passed in the Lower House of the Parliament and now the draft is subject to the procedure in the House of Senate. It is expected that the law will be passed by the Parliament soon and after its entry into force, the President will proceed with the ratification of the Convention.

The Government would like to confirm that once the Convention is ratified in Poland, Article 2 will have effect, as part of domestic law of Poland and ancillary acts will be outlawed. As to the attachment penalties to ancillary acts and the level of penalties it should be borne in mind that:

- in accordance with Article 18 of the Penal Code whoever, with an intent that another person should commit a prohibited act, facilitates by his behavior the commission of the act particularly by providing the instrument, means of transport, or giving counsel or information, shall be liable for aiding and abetting. Furthermore, whoever, acting against a particular legal duty of preventing the prohibited act, facilitates its commission by another person through his omission, shall also be liable for aiding and abetting.
- Article 19 of the Code stipulates that the court renders the judgment for aiding and abetting within the limits of the penalties envisaged for perpetration of the offence, which means that the level of penalty will depend on the penalty provided for in the Code for the offences themselves, which meet characteristics of terrorist acts and that it is for the court to decide on the level of penalty, taking into account all the relevant circumstances of the case, including seriousness of the offence.

Paragraph 1.3

The law amending the law of 16 November 2000 on counteracting introduction into financial circulation of property values derived from illegal or undisclosed sources was passed by the Parliament on 27 September 2002. It entered into force on 29 November 2002.

In accordance with the amendment the current title of the law is: "on counteracting introduction into financial circulation of property values derived from illegal or undisclosed sources and on counteracting financing of terrorism". The copy of translation of the uniform text of the law is attached to the present Report. Some expressions used in the translation may differ from the terminology used in the previous Reports submitted by Poland. Nonetheless, the attached

* Enclosures are on file with the Secretariat and are available for consultation.

text could serve as a reference for future consideration by the CTC. Unfortunately, this translation is not available in electronic form yet. The last three articles of that law are transitional ones, incorporated from the amending law.

Paragraph 1.4

Before the entry into force of the amendments to the law referred to in paragraph 1.3, the competencies, which are now with the General Inspector of Financial Information, were discharged by Prosecutor's offices or State Protection Office (not "Prosecution Office" as it is stated in the CTC's comments) on the basis of the Penal Proceedings Code. The said institutions are vested with investigation competencies, both in relation with ordinary crimes, as well as those threatening the security of the state.

Since the amendment of the Law of 16 November 2000 is already in force, the Government wishes to confirm that all the mechanisms pointed out by the CTC (namely the freezing of assets, investigation and the initiation of proceedings – distinct from seizure or forfeiture on conviction) are provided in the amendment and are in force already.

Paragraph 1.5

The matter is under careful consideration by the General Inspector for Financial Information, who generally shares the concerns raised by the Committee. The Committee will be informed on the results of that consideration.

Paragraph 1.6

The charitable activities may be carried out by rather broad spectrum of institutions. These may include associations, foundations, religious bodies, etc. Hence, the requirements relating to the registration of such bodies are contained in various legal acts, e.g. Law on associations of 7 April 1989, Law on foundations of 6 April 1984, as well as in laws concerning churches and religious unions or agreements concluded between the Government and such religious institutions. As to the requirements of registration, financial and property requirements the provisions of the Law on associations will apply to the latter accordingly.

Law on associations contains general requirements related to the registration. These requirements are similar in the cases of other bodies. The association is subject to the entry into National Court Register. The register court, after the consideration of the request for registration, issues a decision on registration of the association when it founds that its statute is consistent with the legal provisions and the founders meet the requirements provided for in the Law.

The surveillance over the associations is carried out by representative of the Government in the *województwo* (province) being the unit of administrative division of Poland – in case of associations of units of territorial self-government or by head of regional administration – in case of other associations, competent for the registered office of particular association. The important is that the provisions of the Law do not prejudice rights and competencies of prosecutors resulting from other laws.

In case of foundations, they may indicate minister competent for the purposes of that foundation, who may discharge the functions of surveillance organ.

The court, upon request of surveillance organ or prosecutor may, as one of the measures, dissolve the association, if its activity shows gross or repeated breach of the law or provisions of its statute. Prosecutor may institute ordinary proceedings, within its competence related to the breaches of law, committed by the association.

Right of association, which is enshrined in the Constitution, may be subject to limitations introduced only by law, which are required for the assurance of interests of national security or public order as well as protection of health or public morality or protection of rights and freedoms of other persons.

The law applies to aliens as well. The aliens having residence in the territory of the Republic of Poland may associate in accordance with the provisions applicable to Polish citizens. The aliens, who do not have residence in Poland may integrate associations, if their statutes envisage such a possibility.

Paragraph 1.7

The outcome of the analysis mentioned in the previous report in relation to the scope of Article 113 of the Penal Code *vis-à-vis* the requirements of paragraph 2 (in particular) of the resolution is positive. All the cases of behaviour

determined in the subparagraph 2 (a) of resolution 1373 (2001), with the exception of the perpetrators, with respect to whom decision on extradition has been taken, will be subject to the Polish jurisdiction.

Paragraph 1.8

Internally, the controls applicable to the acquisition and use within Poland of firearms and explosives are regulated by laws and executive regulations thereto. These provisions are consistent with the European legislation.

Firearms

The Law of 21 May 1999 on arms and munitions determines detailed principles of issuance and withdrawal of permits for arms, acquisition, storage, disposal and deposition of arms and munitions, transport through the national territory as well as importation from and exportation abroad of arms and munitions, as well as principles governing the possession of arms and munitions by aliens.

The acquisition and possession of firearms is subject to special permit issued by competent Police organ. The Law specifies cases where permits cannot be issued to persons who do not meet specific requirements or infringed conditions and obligations set forth in the Law. The same conditions apply to the withdrawal of permits. Firearms should be registered and the owner has to have special document confirming possession of arms. The provisions of the Law apply to aliens accordingly.

There are specific provisions in the Law related to possession of arms and munitions in case of members of diplomatic missions and consular offices, other persons with equal status, who can possess arms and munitions on the basis of international agreements or the principle of mutuality. In this case the possession of arms is subject to temporary permit issued by competent Police organ. The Law contains penal sanctions and provisions on seizure of arms and munitions.

There are executive regulations to that Law, which relate inter alia to: types of especially dangerous arms and munitions in case of which permit may be issued; medical and psychological examination of persons who apply for or possess permit; model declaration of importation from abroad of arms and munitions and procedure for transmission of information to the Police on importation of arms and munitions by customs services; procedure and conditions for the issuance of permits for arms to the members of diplomatic missions and consular offices and persons having equal status; detailed principles of deposition of arms and munitions; model required documents, etc.

There are separate legal provisions relating to the possession and use of firearms and explosives by state bodies and their officers responsible for the maintenance of national security and public order as well as Armed Forces.

Explosives

The Law of 21 June 2002 on explosives for civilian use determines principles of issuance and withdrawal of permits for acquisition and storage of explosives, basic requirements in relation with explosives introduced to trade, principles of governing the transport of explosives and its control, conformity assessment procedures and marking of explosives.

Acquisition and storage of explosives for civilian use requires permit, issued by chief of provincial administration (representative of the Government in the province), competent for the registered office of the requesting person. The Law specifies the information required for the issuance of permit, conditions to be met by these persons to obtain the permit as well as the cases when the permit should be denied or withdrawn. Transport and transit of explosives requires consent of the Minister for Economy, Labour and Social Protection.

There are executive regulations to that Law, which determine inter alia: requirements of training and examination of persons, who have access to explosives, model register of explosives, model request for permit.

There are separate legal provisions relating to the possession and use of firearms and explosives by state bodies and their officers responsible for the maintenance of national security and public order as well as Armed Forces.

Provisions common to firearms and explosives

The provisions concerning the principles of economic activity relating to the manufacturing and trade with explosives, arms, munitions and products and technologies of military and police purposes are contained in the Law of 22 June 2001. Executive regulations to that Law specify: conditions of sale of, scope and manner of verification of

consistency with these requirements, requirements as to quality assessment, registration of these sensitive materials, and principles of management in terms of environmental protection and protection of human life and health.

Paragraph 1.9

Outline of Articles 109 – 114 of the Penal Code

Article 109 stipulates that the Polish penal law shall apply to Polish citizens who have committed an offence abroad.

Article 110 stipulates that the Polish penal law shall apply to aliens who have committed abroad offence against the interests of the Republic of Poland, Polish citizen, Polish legal person or Polish organizational unit without legal personality. In accordance with that Article, the Polish penal law shall apply to aliens in the case of the commission abroad of an offence other than mentioned above, if, under the Polish penal law, such an offence is subject to a penalty exceeding 2 years of imprisonment, and the perpetrator remains within the territory of the Republic of Poland and where no decision on his extradition has been taken.

Article 111 states that the liability for an act committed abroad is, however, subject to the condition that the liability for such an act is likewise recognized as an offence, by a law in force in the place of its commission (§ 1). If there are differences between the Polish penal law and the law in force in the place of commission, the court may take these differences into account in favour in the perpetrator (§ 2). The condition provided for in § 1 shall not apply to Polish public official who, while performing his duties abroad has committed an offence there in connection with performing his functions, nor to a person who committed an offence in a place not under the jurisdiction of any state authority.

Article 112 provides that, notwithstanding the provisions in force in the place of the commission of the offence, the Polish penal law shall be applied to Polish citizen or alien in case of the commission of offence against the internal or external security of the Republic of Poland, offence against Polish offices or public officials; offence against essential economic interests of Poland, offence of false statement made before Polish office.

In accordance with Article 113, notwithstanding regulations in force in the place of commission of the offence, the Polish penal law shall be applied to Polish citizen or alien, with respect to whom no decision on extradition has been taken, in the case of the commission abroad of an offence which the Republic of Poland is obliged to prosecute under international agreements.

In accordance with Article 114 § 1 sentencing judgement rendered abroad shall not prejudice criminal proceedings for the same offence from being instituted before Polish court. Paragraph 2 of the said Article stipulates that the court shall credit to the penalty, imposed the period of imprisonment actually served abroad and the penalty there executed, taking into consideration the differences between these penalties.

Furthermore, it is provided that the provision of § 1 shall not apply when sentencing judgement rendered abroad has been transferred to be executed within the territory of the Republic of Poland, and also when the judgement rendered abroad considered as offence, with regard to which either a transfer of the prosecution or extradition from the territory of the Republic of Poland has occurred.

Paragraph 4 of the said Article stipulates that if a Polish citizen validly and finally sentenced by a court in a foreign country, has been transferred to execute the sentence in the territory of the Republic of Poland, the court shall determine, under Polish law, the legal qualification of the act, and the penalty to be executed or any other penal measure provided for in the Code; the basis for determination of the penalty or other measure subject to execution shall be provided by the sentencing judgement rendered by a court of a foreign country, penalty prescribed for such an act under Polish law, period of actual imprisonment abroad, penalty or other measure executed there, and differences between these penalties considered to the favour of the sentenced person.

Interrelationship of Articles 18, 109 – 114 and 258 of the Penal Code

As it was stated in the previous report Article 258 (whose text was made available to the CTC with the original report) applies to each domestic and international organised group aiming at the perpetration of crimes, including terrorist

groups. It provides for criminal responsibility for participation in such groups, being thus the most specific one among the Articles mentioned above.

In accordance with Article 18, which is discussed in more detail in Paragraph 1.2 of the present report, not only perpetrators of crimes are subject to criminal responsibility, but also persons who facilitate the commission of crimes through aiding or abetting.

Articles 109-114 provide for liability of both Polish nationals and aliens under the Polish jurisdiction for crimes committed abroad. Of paramount significance in this case is Article 113 of the Penal Code, which introduces the principle of "universality" of criminal responsibility to the Polish criminal law. In accordance with that principle, the Polish penal law shall be applied to a Polish national or an alien, with respect to whom no decision on extradition has been taken, in the case of the commission abroad of an offence, which the Republic of Poland is obliged to prosecute under international agreements (these offences are also criminalized under the Polish penal law).

In terms of the specific requirements of subparagraphs 2 (d) and (e) of resolution 1373 (2001), it could be concluded from the analysis of the set of articles mentioned above that every activity described in these subparagraphs, including facilitation of the commitment of crime, whether directed at Poland and Polish citizens or at other countries and their citizens, should it be committed by individuals or groups, will be subject to the Polish jurisdiction and will be prosecuted and punished under the internal legal order or international agreements, unless other country wishes to prosecute and punish the perpetrator and, in case of admissibility of extradition, its request for extradition is considered positively.

Paragraph 1.10

International agreements concluded by Poland, to which Article 113 of the Penal Code refers, include all the agreements ratified by Poland, which are covered by Article 91 sections 1 and 2 of the Constitution of the Republic of Poland. They are incorporated to the domestic legal order and have to be taken into account by courts.

The offences referred to in resolution 1373 (2001) are prosecutable, criminalized and extraditable offences under many international agreements, including anti-terrorist conventions and protocols, as well as internal legislation. Accordingly, the Polish courts are obliged to interpret the reference made in Article 113 as extending to offences referred to in the resolution, also taking into account that the resolution was adopted by the Security Council acting under Chapter VII of the Charter of the United Nations, which obviously forms part of the internal legal order of Poland.

Paragraph 1.11

Outline of Section XIII of the Penal Proceedings Code

As it was stated in the previous report, Section XIII of the Penal Proceedings Code, is titled: "Procedure in criminal matters in international relations determines the principles of legal assistance to states". Below please find the detailed outline of the provisions of the said Section.

a. Chapter 61: Immunities of persons belonging to diplomatic missions and consular offices of foreign states (Articles 578 – 584)

Articles 578 – 584 exclude from the jurisdiction of Polish criminal courts persons enjoying diplomatic immunity and persons enjoying consular immunities. The said persons may be subject to that jurisdiction if the sending state (or international organisation) waives expressly the immunity in relation with these persons. These articles specify the procedures for obtaining consent to give evidence or being expert or interpreter or consent in case of search of the premises of diplomatic missions or consular offices. The provisions of the said articles are consistent with the Vienna Conventions on diplomatic relations and consular relations.

b. Chapter 62: Legal assistance and delivery of documents in criminal matters (Articles 585 – 589)

Article 585 provides that through legal assistance all necessary actions within criminal proceedings may be carried out, including: delivery of documents to persons resident abroad or institutions having their registered offices

abroad; hearing of persons as accused, witnesses or experts and searching of premises or other places and persons, seizure of objects and issuance of the said objects to foreign countries, exchange of information on the legal provisions, etc.

Courts and prosecutors grant legal assistance upon request of courts and prosecutors of foreign countries. The assistance may be refused if it would be inconsistent with the principles of legal order of the Republic of Poland or would constitute breach of its sovereignty. In particular cases specified in Article 588 § 3 court and prosecutor may refuse to grant legal assistance.

To the proceedings carried out upon request of court or prosecutor of foreign state, Polish laws shall apply. It is possible however to apply procedure or form upon request of the bodies of foreign states, if it is not inconsistent with the principles of the legal order of the Republic of Poland.

c. Chapter 63: Taking over and transfer of criminal prosecution (Articles 590 – 592)

On the basis of Article 590 § 1 in the case of the offence committed abroad by Polish citizen, person having in Poland residence, person who serves or will serve in Poland sentence in prison, person, against whom criminal proceedings have been instituted in Poland, the Minister for Justice applies, if it required by the interest of justice, to the competent organ of foreign state to transfer prosecution or may receive such request from the competent organ of foreign state. Taking over of criminal prosecution shall be deemed institution of criminal proceedings in accordance with the Polish law (Article 590 § 2).

Article 591 § 1 provides that in case concerning the offence committed in Poland by alien the Minister for Justice, applies, if it is required by the interest of justice, to the competent organ of state: whose prosecuted person is citizen, in which such a person has residence, or serves or will serve imprisonment, or in which criminal proceedings have been instituted against that person for taking over of criminal prosecution or may receive such a request from the competent organ of the foreign state. In case of positive settlement of that request the Minister for Justice orders immediate transfer of prosecuted person, if he/she is temporarily arrested, together with the files of the case to the competent organ of foreign state.

The Minister for Justice addresses the competent organ of foreign state to receive information on the means of valid and final conclusion of the criminal proceedings.

In accordance with Article 591 § 6 transfer of criminal prosecution shall be deemed discontinuance of criminal proceedings in accordance with the Polish law.

d. Chapter 64: Application to extradition or transport of prosecuted or sentenced persons resident abroad and surrender of objects (Articles 593 – 601)

In accordance with Article 593 courts and prosecutors make, through the Minister for Justice, requests for extradition by foreign state of person, against whom criminal proceedings have been initiated, for extradition of person in order to carry out judicial proceedings or execute sentenced penalty, for transport of prosecuted or sentenced person through the territory of foreign state as well as for surrender from the territory of foreign state of evidence or objects obtained by the perpetrator as a result of offence. In urgent cases court or prosecutor may address directly competent organ of foreign state.

Foreign state may make reservation that the criminal proceedings may relate only to the offences, in relation with which the extradition or surrender took place. In such case proceedings against the extradited person may not be implemented in relation with other offences committed before the date of extradition.

e. Chapter 65: Applications of foreign states to extradite or transfer of prosecuted or sentenced persons or to surrender objects (Articles 602 – 607)

In accordance with Article 602 in case of a request by organ of foreign state for extradition or transfer of prosecuted person in order to carry out against him/her criminal proceedings or execute sentenced penalty or safeguard measure, the prosecutor shall hear that person, and having done that, submits the case to the competent court of the second instance.

That Article provides for inadmissibility of extradition in the following cases: a person, to whom request refers is Polish citizen or enjoys in Poland asylum, act does not meet characteristics of prohibited act or when law recognises that the act does not constitute an offence or the perpetrator does not commit offence or is not subject to penalty, the case lapsed, criminal proceedings in relation with the same act of that person was terminated with the issuance of valid and binding decision, it would be inconsistent with the Polish law.

In accordance with § 2 of that Article extradition may be denied in particular when: the person, to whom the request relates has residence in Poland; offence has been committed in Poland or on Polish ship or aircraft; to the same act of the same person, in case of which criminal proceedings are underway; offence is prosecutable on the basis of private accusation, in accordance with the law of the requesting state; offence is subject to imprisonment or less restrictive penalty or such penalty was sentenced; offence subject to request is a political, military or fiscal offence; or the requesting state, does not ensure the mutuality.

f. Chapter 66: Taking over and transfer of sentenced persons to serve the sentence (Articles 608 – 611)

In accordance with Article 608 § 1 in case of valid and binding sentence of Polish citizen by court of foreign state for imprisonment, which is enforceable or valid and binding judgment of a measure consisting in imprisonment, Minister for Justice may apply to the competent organ of that state for taking over of the sentenced person or person, in relation with whom the measure has been instituted, with the view to implementing the imprisonment or measure in the Republic of Poland. Similarly, when the sentenced is alien the Minister for Justice may apply to the competent organ of state, which such person is citizen for taking over with the view to serving the sentence or implementation of the measure (Article 610 § 1).

Taking over of the sentence for execution in Poland is inadmissible when: sentence is not valid and binding or is not enforceable; enforcement of sentence would impair sovereignty, security or legal order of the Republic of Poland; person sentenced for prison or person, in relation with which measure has been instituted consisting in imprisonment, does not give its consent for taking over; person sentenced to fine or in relation with whom seizure of property has been decided, non-resident in Poland does not possess property in Poland; act indicated in the request does not constitute act prohibited under the Polish law or does not meet characteristics of prohibited act; when law recognises that the act does not constitute an offence or the perpetrator does not commit offence or is not subject to penalty; the case has lapsed; it would be inconsistent with the Polish law.

In accordance with Article 611 taking over of sentence for execution in foreign state is inadmissible when: sentence is not valid and binding or is not enforceable; person sentenced for prison or person, in relation with which measure has been instituted consisting in imprisonment, does not give its consent for taking over; person sentenced for prison or person, in relation with which measure has been instituted consisting in imprisonment is a person, to whom request refers is Polish national or enjoys in Poland asylum; the case has lapsed, or it would be inconsistent with the Polish law.

After taking over of sentence for execution the court determines legal qualification of the act in accordance with the Polish law and measure, being enforceable.

g. Chapter 67: Final provisions

Article 612 § 1 requires that any case of application of temporary arrest in relation with citizen of other state be informed immediately competent consular office of that state, or when there is no such office – diplomatic mission of that state. In case of detention of alien, the detainee should have right to contact in an available form with competent consular office or diplomatic mission (Article 612 § 2).

Courts and prosecutors, apart from cases provided for in the Code, consult in all the cases relating to the criminal proceedings in international relations through the Minister for Justice and the latter, if needs arise, through the Minister for Foreign Affairs. Courts and prosecutors could contact directly consular offices of foreign state in Poland in the cases determined by the Minister for Justice.

In accordance with Article 615 the provisions of Chapter 67 shall not apply if international agreement, to which Poland is party provides otherwise. They may not be applied in relation with foreign state, with which there is no agreement in this subject matter and if that state does not provide for mutuality. The provisions of

Chapter 67 shall apply accordingly in relations with international courts and their organs, acting on the basis of international agreements, to which Poland is party.

List of extradition treaties

The Republic of Poland has concluded bilateral extradition treaties with the following countries: Australia, Austria, Egypt, Fiji, India, Italy, Luxembourg, Slovak Republic, Swaziland, Sweden, Switzerland, Thailand, Turkey, United Kingdom, United States of America.

The Republic of Poland is party to the following multilateral extradition conventions:

- Convention on the Transfer of Sentenced Persons, Strasbourg 1983; ratified 27.09.1994, entered into force for Poland: 1.03.1995.
- European Convention on Extradition, Paris 1957; ratified: 30.04.1993, entered into force for Poland: 13.09.1993.

Relationship between extradition treaties and Section XIII

The provisions of the extradition treaties are consistent with the Section XIII of the Penal Proceedings Code. Some minor differences result from different nature of the said treaties and the Code. The Code itself is a set of provisions having procedural nature, establishing universally binding rules in the Polish criminal proceedings, while the extradition treaties contain, apart from provisions reflecting the rules contained in Section XIII, detailed provisions and procedures, including those related to the co-operation between the parties to a treaty and indicate competent organs and their functions.

Paragraph 1.12

Yes, the treaties listed in Appendix V to the original report of Poland relate to co-operation and mutual assistance between competent institutions rather than to extradition.

Paragraph 1.13

There is no specific timeframe within which a request for judicial assistance in criminal investigations or criminal proceedings is required.

The proceedings with such a request are regulated as a rule in bilateral and multilateral agreements on mutual legal assistance in criminal matters. The said agreements designate "Competent Authority" (or in some cases "Central Authority" – in case of Poland – Ministry of Justice) responsible in the parties to the agreement for the processing with request.

In order to ensure prompt action in criminal matters the agreements mentioned above stipulate that the request of the requesting party should be implemented immediately, and, if necessary, that the request should be transmitted to competent organ (should it be prosecutor's office or court) for necessary action. Competent Authorities consult each other in the matters of the implementation of request, questions of confidentiality and explain to each other the specific issues related to the request. The reasons for delay or suspension of the implementation of request should be conveyed to the Competent Authority of the other party to the agreement.

The statistics on the average timeframe, in which the requests for judicial assistance are implemented in Poland, are not available. This is because of the fact that the requests can differ and the process of implementation depends on the nature and degree of complexity of the requests, manner in which they are transmitted to competent organs in Poland, and even – in some cases – on whether there are special arrangements for closer and decentralised co-operation between the judicial and prosecutor's offices (such arrangements are in place in relation with several countries). In the latter case the procedure is even more simplified and reduced.

However, the Government wishes to confirm that in accordance with the agreements mentioned in this paragraph, as well as internal regulations in force in the Ministry of Justice and prosecutor's offices the requests for legal assistance from other states are indeed dealt with without delay and enjoy priority *vis-à-vis* other requests.

Paragraph 1.14

As it was stated in the previous report, Poland is not yet a party to 4 anti-terrorist conventions and protocol:

1. International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15 December 1997.

The Convention was signed by Poland on 14 June 1999. The request for ratification has been transmitted by the Ministry of Foreign Affairs to the Council of Ministers, which is processing with it in simplified and urgent procedure, that is without considering it in session. After the lapse of time provided for consultation among ministries (i.e. on January 17, 2003) the request is deemed approved by the Council and the draft law authorising the President of the Republic of Poland will be submitted to the Parliament without delay.

2. International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations on 9 December 1999. The Convention was signed on 4 October 2001 during the fifty-sixth session of the United Nations General Assembly.

The information has been provided in paragraph 1.2 of the present report.

3. Protocol on the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 24 February 1988.

The request for ratification of the Protocol is still in the phase of preparation. This delay is due to the amendments to the Aviation Law, which entered into force on November 17, 2002. They strengthen *inter alia* the security requirements in airports, facilitating thus the ratification of the said Protocol. Under the amended Aviation Law new competent authority –Civil Aviation Office – has been created, which is authorised to initiate the procedure of ratification. The process is closely monitored.

4. Convention on the Marking of Plastic Explosives for the Purpose of Detection, signed at Montreal on 1 March 1991.

Due to the shift of competencies between the Ministry of the Interior and Administration and Ministry of Economy, Labour and Social Protection in the area of explosives, the request for ratification of the Protocol is still in the phase of preparation. The process is closely monitored also in this case.

Paragraph 2. Assistance and guidance

The Government of Poland wishes to express its gratitude to the Counter-Terrorism Committee for the analysis of Poland's reports and valuable comments related therewith, which assist it in the implementation of the provisions of resolution 1373 (2001). Competent ministries responsible for the implementation of the said resolution also benefit from the information published by the Committee on the United Nations web site and have had the opportunity to discuss and consult on specific issues with other States and bodies also within the United Nations system (including training arranged in co-operation with these bodies), especially in the field of suppression of financing of terrorism.

The Government of Poland is looking forward to further co-operation with the CTC and its experts on the issues that need further consideration with the view to implementing more effectively the provisions of the resolution.